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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 United States of America,

10 Plaintiff,

11 v.

12 Chris Paul Snow,

13 Defendant.
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No. CR-18-01796-TUC-JGZ (JR)

ORDER

15 Pending before the Court is Defendant Chris Paul Snow's "FRAP 10(C)
16 STATEMENT OF THE EVIDENCE." (Doc. 223.) In the filing, Defendant requests that
17 the Court settle and approve a statement of evidence relating to video playback by the case
18 agent during jury deliberations.

19 Rule 10(c) of the Federal Rules of Appellate Procedure provides:

20 If the transcript of a hearing or trial is unavailable, the appellant may prepare
21 a statement of the evidence or proceedings from the best available means,
22 including the appellant's recollection. The statement must be served on the
23 appellee, who may serve objections or proposed amendments within 14 days
24 after being served. The statement and any objections or proposed
25 amendments must then be submitted to the district court for settlement and
26 approval. As settled and approved, the statement must be included by the
27 district clerk in the record on appeal.

28 Fed. R. App. P 10(c).


1 Defendant's filing does not include a proposed statement of evidence for the Court
2 to settle and approve, pursuant to Rule 10(c). Defendant, through counsel, relates that
3 Defendant's prior counsel thinks that jurors were shown, during jury deliberations, a
4 surveillance video that had been admitted into evidence. Counsel states that he is not able
5 to contact Defendant, likely due to Defendant receiving medical treatment, to obtain
6 Defendant's recollection. Counsel reports that the prosecutor, AUSA Angela Woolridge,
7 recalls that the jury rendered a verdict without viewing the video.

8 Defendant's submission includes a transcript showing that the Court informed the
9 jury of the procedure that would be employed if the jurors wanted to view a video during
10 their deliberations. However, there is no indication in the record that the jurors requested
11 to see any of the video exhibits or that the jurors were shown a video during their
12 deliberations. Copies of juror notes are maintained by the Court and there is no juror note
13 requesting a viewing. Notably, neither the Court nor the courtroom deputy recall that the
14 jury requested to view a video exhibit or that the jury was shown a video exhibit during
15 deliberations, and the record does not support an inference that a viewing occurred.
16 According to the record of Court proceedings, the jury was released for deliberations at
17 2:32 and rendered its verdict in the courtroom at 3:38, sixty-six minutes later. Court was
18 in session for 52 minutes prior to the jury rendering its verdict and hence, the courtroom
19 deputy was not available to arrange for showing of a video. In fact, showing the video
20 would have required substantial time and effort. In addition to Court being in session, the
21 jury was deliberating on a different floor, due to Covid-19 protocols, and showing the jury
22 a video would have required the courtroom deputy to return the jury to the Special
23 Proceedings courtroom on the second floor or make arrangements for computer equipment
24 to be brought to jurors in the jury assembly room on the first floor.

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Dated this 4th day of November, 2021.


Honorable Jennifer G. Zipp
United States District Judge